

**KOUROUKAN FOUGA – INDIGENOUS CONSTITUTION OF
ANCIENT MALI
The Manden Charter
Translated from French**

According to the Epic of Sundiata, Kouroukan Fougá or Kurukan Fuga was the constitution of the Mali Empire created after the Battle of Krina (1235) by an assembly of nobles to create a government for the newly established empire. According to oral tradition of the griot poets of Mali and Guinea, the Kouroukan Fougá established the federation of Mandinka clans under one government, outlined how it would operate and established the laws by which the people would live. The name Kurukan Fuga is a toponym, translating to "clearing on granite / lateritic rock", referring to the plain near the town of Ká-ba (present day Kangaba) where the narrative has Sundiata Keita present the charter. This document was as important for that region of Africa as the Magna Carta for Western Europe and from at about the same-time, the Kouroukan Fougá however was formally in oral tradition and then codified in about 1236 the same time of the Magna Carta in 1215, most people would have recognized the Magna Carta as having a great impact on the eventual idea that Man is a free being with formal representation in governing counsel, that idea would take centuries to realize off- course and many found it as a precursor to the US constitution and the parliamentary system in Britain, In the Malian empire a similar document was being put into place.

The reconstructed Kouroukan Fougá, as published by Kouyaté, contains 44 edicts. They are divided into four sections concerned with Social Organization (edicts 1-30), Property Rights (edicts 31-36), Environmental Protection (edicts 37-39) and Personal Responsibilities (edicts 40-44).

The Kouroukan Fougá divided the new empire into ruling clans (lineages) that were represented at a great assembly called the Gbara. There were 16 clans known as the Djon-Tan-Nor-Woro (quiver carriers) responsible for leading and defending the empire. There were also 4 clans known as the Mori-Kanda-Lolou (guardians of the faith) who guided the ruling clans in matters of Islamic law. There were 4 nyamakala clans (people of caste) who had the monopoly on certain trades, which included but was not limited to smelting, woodworking, and tanners. Lastly, there were 4 clans of djeli (masters of speech) who recorded the history of the empire through song. Combined these would make up the 29 seat Gbara at the plain of Kouroukan Fougá (named after the event

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where Sundiata "divided the world"). The 30th seat was likely occupied by the mansa's djeli called the belen-tigui (master of ceremonies), or may have been reserved for a female monitor since the constitution states women are to be represented at all levels of government (edict 16).

Article 7 institutes the sanankuya (a type of cousinage or joking relationship that is a longstanding West African social tradition) as a civic duty.

Kouyaté in his commentary draws attention to paragraph 20, dealing with the humane treatment of slaves.

20. "Do not ill-treat the slaves. You should allow them to rest one day per week and to end their working day at a reasonable time. You are the master of the slaves but not of the bag they carry."

SOCIAL ORGANIZATION

Article 1: The Great Mande Society is divided into sixteen clans of quiver carriers, five clans of marabouts, four groups of "nyamakalas" and one group of slaves. Each one has a specific activity and role.

Article 2: The "nyamakalas" must devote themselves to tell the truth to the chiefs, to be their counsellors and to defend by the speech the established rulers and the order upon the whole territory.

Article 3: The five clans of marabouts are our teachers and our educators in Islam. Everyone has to hold them in respect and consideration.

Article 4: The society is divided into age groups. Those born during a period of three years in succession belong to the same age-group. The members of the intermediary class between young and old people, should be invited to take part in the making of important decisions concerning the society.

Article 5: Everybody has a right to life and to the preservation of physical integrity. Accordingly, any attempt to deprive one's fellow being of life is punished with death.

Article 6: To win the battle of prosperity, the general system of supervision has been established to fight against laziness and idleness.

Article 7: The sanankunya (joking relationship) and the tanamannyonya (blood pact) have been established among the Mandinka. Consequently, any contention that occurs among these groups should not degenerate the respect for one another being the rule. Between brothers-in-law and sisters-in-law, between grandparents and grandchildren, tolerance should be the principle.

Article 8: The Keïta family is nominated reigning family upon the empire.

Article 9: Children's education behoves the entire society. The paternal authority in consequence falls to everyone.

Article 10: We should offer condolences mutually.

Article 11: When your wife or your child runs away, stop running after them in the neighbour's house.

Article 12: The succession being patrilinear, never relinquish power to a son when one of his father's brothers is still alive. Never relinquish power to a minor just because he has goods.

Article 13: Never offend the Nyaras (the talented). **Article 14:** Never offend women, our mothers.

Article 15: Never beat a married woman before her husband has tried to correct the problem.

Article 16: Women, apart from their everyday occupations, should be associated with all our managements.

Article 17: Lies that have lived for 40 years should be considered like truths.

Article 18: We should respect the law of primogeniture.

Article 19: Any man has two parents-in-law: We have to hold them in respect and consideration.

Article 20: Do not ill-treat the slaves. We are the master of the slave but not the bag he carries.

Article 21: Do not follow up with your constant attentions the wives of the chief, of the neighbour, of the marabout, of the priest, of the friend and of the partner.

Article 22: Vanity is the sign of weakness and humility the sign of greatness.

Article 23: Never betray one another. Respect your word of honour.

Article 24: In Manden, do not maltreat the foreigners.

Article 25: The ambassador does not risk anything in Manden.

Article 26: The bull confided to your care should not lead the cattle-pen.

Article 27: A girl can be given in marriage as soon as she is pubescent without age determination.

Article 28: A young man can marry at age 20.

Article 29: The dowry is fixed at 3 cows: one for the girl, two for the father and mother.

Article 30: In Mande, divorce is tolerated for one of the following reasons: the impotence of the husband, the madness of one of the spouses, the husband's incapability of assuming the obligations due to the marriage. The divorce should occur out of the village. *(The French version published in 1998 does not include this article, but splits article 34 into two, numbering the intervening articles differently).*

Article 31: We should help those who are in need.

PROPERTY RIGHTS

Article 32: There are five ways to acquire property: buying, donation, exchange, work and inheriting. Any other form without convincing testimony is doubtful.

Article 33: Any object found without a known owner becomes common property only after four years.

Article 34: The fourth heifer born is the property of the guardian of the heifer.
One egg out of four is the property of the guardian of the laying hen.

Article 35: One bovine should be exchanged for four sheep or four goats.

Article 36: To satisfy one's hunger is not robbery if you don't take away anything in your bag or your pocket.

ENVIRONMENTAL PROTECTION

Article 37: Fakombè is nominated chief of hunters.

Article 38: Before setting fire to the bush, don't look down at the ground, raise your head in the direction of the top of the trees to see whether they bear fruits or flowers.

Article 39: Domestic animals should be tied during cultivation and freed after the harvest. The dog, the cat, the duck and the poultry are not bound by the measure.

PERSONAL RESPONSIBILITIES

Article 40: Respect kinship, marriage and the neighbourhood.

Article 41: You can kill the enemy, but not humiliate him.

Article 42: In big assemblies, be satisfied with your lawful representatives.

Article 43: Balla Fassèkè Kouyaté is nominated chief of ceremonies and main mediator in Manden. He is allowed to joke with all groups, in priority with the royal family.

Article 44: All those who will transgress these rules will be punished. Everyone is bound to make effective their implementation.